

00- *P* -2024

Entered - 06/12/00 - sb
CL00L0345 - DIANNE C. MITCHELL

CLAIM OF: **BRYANT AND CHRISTY HIDINGER**
2524 Tilson Drive
Atlanta, Georgia 30317

For damages alleged to have been sustained as a result of property damage and plumbing expenses due to sewer back ups occurring on February 26, 2000, March 8, 2000 and April 26, 2000 at 2524 Tilson Drive.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **BRYANT AND CHRISTY HIDINGER** the sum of **\$964.90** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of property damage and plumbing expenses due to sewer back ups occurring on February 26, 2000, March 8, 2000 and April 26, 2000 at 2524 Tilson Drive as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0345

Date: November 28, 2000

Claimant /Victim BRYANT AND CHRISTY HIDINGER

BY: (Atty)(Ins. Co.)

Address: 2524 Tilson Drive, Atlanta, Georgia 30317

Subrogation: Claim for Property damage \$ 964.90 Bodily Injury \$

Date of Notice: 05/24/00 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 02/26/00, 03/08/00 & 04/26/00 Place: 2524 Tilson Drive

Department Public Works Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants incurred property damage and plumbing expenses due to several occurrences of sewer back ups. The investigation determined that the City was on notice of a problem with the sewer line after the first event, but failed to correct same.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

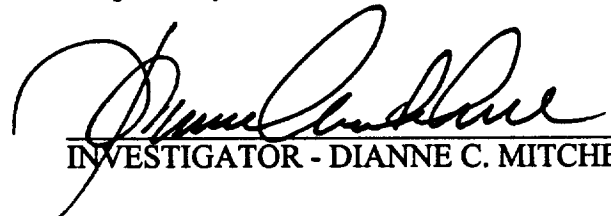
Improper Notice More than Six Months Other Damages reasonable X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 964.90 Adverse Account charged: 1A01 2J01 X 2H01

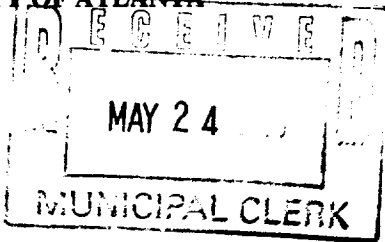
Claims Manager: Concur/date 11-30-00

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 5/20/00



05-24-00 P12:49 IN
ENTERED - 6-12-00 - SB
00L0345 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 964.90 property and /or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 03/08/00, 04/26/00 2. Time of Incident: — 3. Police called: ✓
(month/day/year) Yes No
4. Location of incident (including street address): 2524 Tilson Dr. Atlanta GA 30317
5. Name of your insurance company: not applicable in this matter Policy No. _____
6. State what and how incident occurred: _____

See attached letter and copy of bills

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Christy Hiding
(Print Claimant's Name)

Christy Hiding
Signature of Claimant
Carver City Elementary School
5354 PHILLIPS DR.

2524 Tilson Dr.
(Address)

Atlanta GA 30317
(City, State and Zip Code)

00-R-2024, Ju. 30260

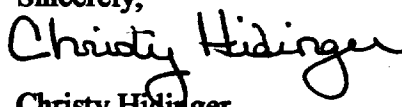
* 404-362-3855 404-784-1121
(Work Number) (Home Number)

875-5592

Christy Hiding
2524 Tilson Dr.
Atlanta GA 30317
Phone: 404-784-1121
05/20/00

RE: Claims for Damages

From the time I moved into my house at 2524 Tilson Dr. (06/98), I have had sewage problems. City of Atlanta has been to my property numerous times. After stating they could do no more, I hired Roto-Rooter to see if they could solve the problem. On the first attempt (02/26/00), I had sewage spilling onto my front yard. The Roto-Rooter employee cleaned out my sewage line. My bill was \$163.95. Two weeks later (03/08/00), I had sewage backing up into my tub and over-flowing the toilet. Roto-Rooter came back out, pulled the toilet, and cabled past clean out. At this time, they noted the obstruction was still unknown. My bill at the time was \$250.95. On April 26th I had sewage again backing into my toilet and tub. Roto-Rooter came out again, and at this time was able to snag and pull back approximately fifteen feet of Atlanta City sewer cable out of the main sewer line. They had to cut the sewer line under my house in order to remove this cable and replace the sewer pipe. My bill for this procedure was \$550.00. Mike Levy of Roto-Rooter stated that City of Atlanta did not retrieve their cable that had broken off into my sewage line and this has been the cause of my sewage problem. I have had no sewage problems since the broken off cable has been removed from my line. I have retained the cable that was in the line at my house. I have made several attempts since April 26th to have the sewer department come out and check on this matter, since I felt the City of Atlanta was responsible for the expenses I incurred in getting my sewage problems resolved. Finally, during the week of May 15th I was able to reach Mr. Lorenzo Callahan. He had promised to come to my house to assess the situation. I canceled several appointments for three days in anticipation of his arrival. On May 19th my mother, Mary Lynn Bryant, contacted Mr. Errol Williams, Sewer Service Manager, because I had been unable to receive any resolution in this matter. He said he would contact Mr. Callahan to come out and bring a claim form. Mr. Callahan came out on Saturday, May 20th, to assess the situation and take pictures of the cable. He stated that even though this cable was like the one City of Atlanta uses, it did not necessarily mean it was theirs. To my knowledge, no one other than City of Atlanta would have had cable like this at the street line. I am petitioning the City of Atlanta to pay the \$964.90 expense that I incurred due to the fact your snake cable was left in my sewage line. I appreciate your prompt attention to this matter.

Sincerely,

Christy Hiding